

**Report to PAC – Redesignate PID 55241822, PID 55549125, and PID 55288567 from Institutional to Residential and to rezone from I1 to R2**

Prepared by:	Chrystal Fuller, MCIP, LPP of Brighter Community Planning
Subject:	Redesignation of 149 Cottage Street from Institutional to Residential and to rezone from I1 to R2.
Date:	January, 2023
Purpose:	PAC consideration of planning report and recommendation
Draft Motion	PAC recommends that Council give First Reading to amend the Generalized Future Land Use Map to change the designation from Institutional to Residential and to amend the Zoning Map to change the zone from Institutional (I1) to Residential Two Unit (R2., and that the application be forwarded to a public hearing

**Part 1: Background**

**1.1: Introduction**

Property Owner(s)	Mighty Metal Roofing Ltd.
Civic Address	149 Cottage Street
Designation	Institutional
Zone	I1
Subject Property	<p style="text-align: center;">Context Map for 149 Cottage St.</p>
Subject Property Area	14,000 ft <sup>2</sup> within 3 parcels.

Existing Land Use	Rebekah Lodge – Cultural Facility
Adjacent Land Use	Primarily single unit dwellings with an adjacent 16-unit housing complex.
Recommendation	Amend the Generalized Future Land Use Map to change the designation from Institutional to Residential and to amend the Zoning Map to change the zone from Institutional (I1) to Residential Two Unit (R2).

### 1.2: Location

The Subject Property is located on the south side of Cottage Street near Maple Avenue. The main property where the building is located (PID 55241822) has frontage along Cottage Street. The property is a flat rectangle with a total area of 9600 square feet. The frontage and rear property line is 80 feet with 120 feet side lines. Behind this property are two smaller rectangle properties that will be consolidated with the main property. The first property (PID 55549125) is flat and cleared with a total area of 2400 square feet. The last parcel (PID 55288567) is wooded with a total area of 2000 square feet. Once all three parcels are consolidated, the total area will be 14,000 square feet. An adjacent property to the East (Valley View) which wraps around the Subject Property, contains a 16- unit residential development. Across the street to the north lies a residential electrical business (Larry Morse Electric Ltd.). The remainder of the nearby lots consists of single unit dwellings.

### 1.3: Background

Mighty Metal Roofing Ltd. purchased the property on October 27<sup>th</sup>, 2022, and submitted the Municipal Planning Strategy (MPS) and Land-Use Bylaw (LUB) Amendment application to the Town of Berwick on October 31<sup>st</sup>, 2022. Records show that the building was used to host meetings and events for the Independent Order of Odd Fellows since the 1950s. As this was a community-based organization, the property was zoned institutional and surrounded by residential properties.



In 1992, the building was converted to the St. Eudora Rebekah Lodge #43, a community based non-profit organization. Since the 1950s, the building was used for recreational and community activities, and is well-known throughout the community. However, the Lodge has been less activity over the last few years and has been sold.

The applicant intends to convert the building into a two-unit dwelling, adding two more housing unit to Berwick’s housing stock. As the future use will no longer be institutional, changing the designation of the property to Residential will be consistent with the neighbourhood form, and help meet a housing demand.

The current structure is a single-story building, setback approximately 40 feet from the front property line providing consistency with the character, height, and bulk of the neighbourhood.

## Part 2: Policy Analysis

The Municipal Planning Strategy provides guidance when considering map and rezoning requests.

Section 2.3 of the MPS provides direction regarding the overall policy for residential development. It states that the Town of Berwick will promote new residential development that provides a variety of housing options, affordability, to be respectful of the character of existing neighbourhoods, and to accommodate the need for growth.

Policy I6 states that “It shall be the intention of Council to consider the redevelopment and/or reuse of lands zoned Institutional (I1) for non-institutional purposes only by Development Agreement subject to criteria contained in Policy IM7.” Although the applicant can proceed through a Development Agreement, staff are recommending that to redesignate and rezone the property to better conform with the surrounding neighbourhood and as it unlikely that the property will return to an institutional use.

Policy R1 states that “It shall be the intention of Council to create a Residential Generalized Future Land Use Designation on the Generalized Future Land Use Map and encourage the development, maintenance and enhancement of a wide variety of residential uses and related compatible uses within this Designation”. The Town will benefit by the amendment as it will create additional housing that is compatible with the existing neighbourhood.

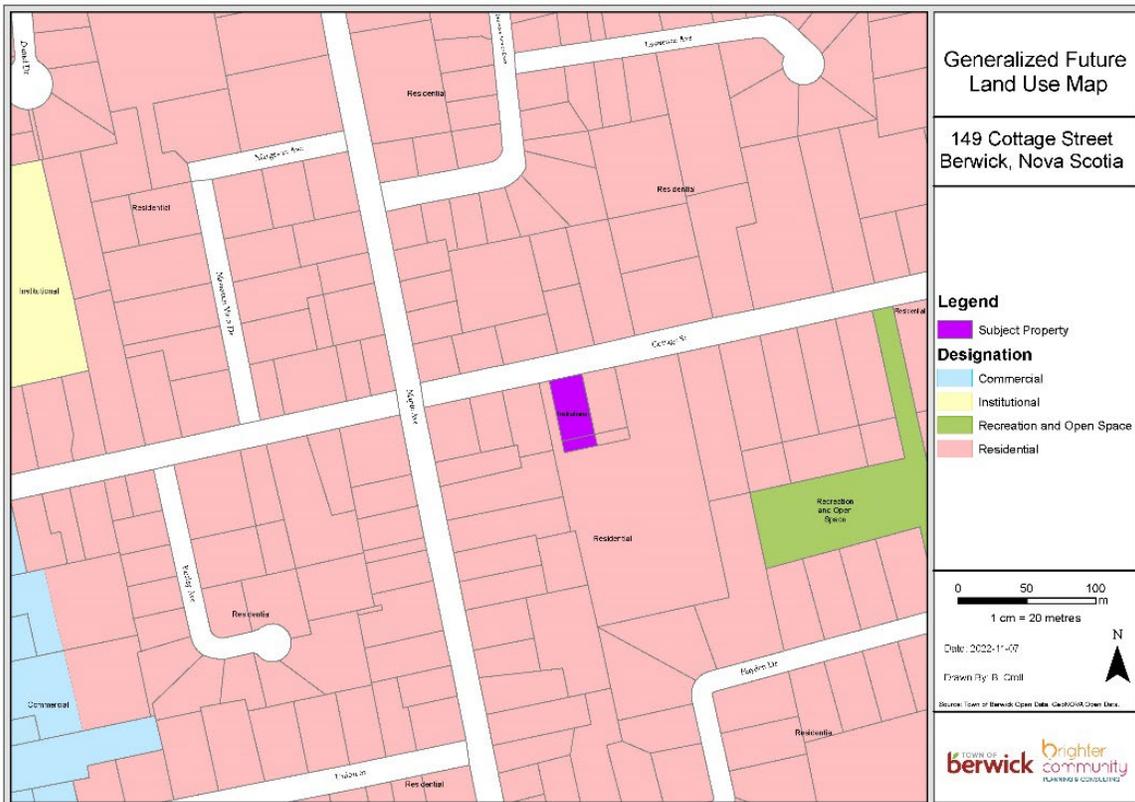
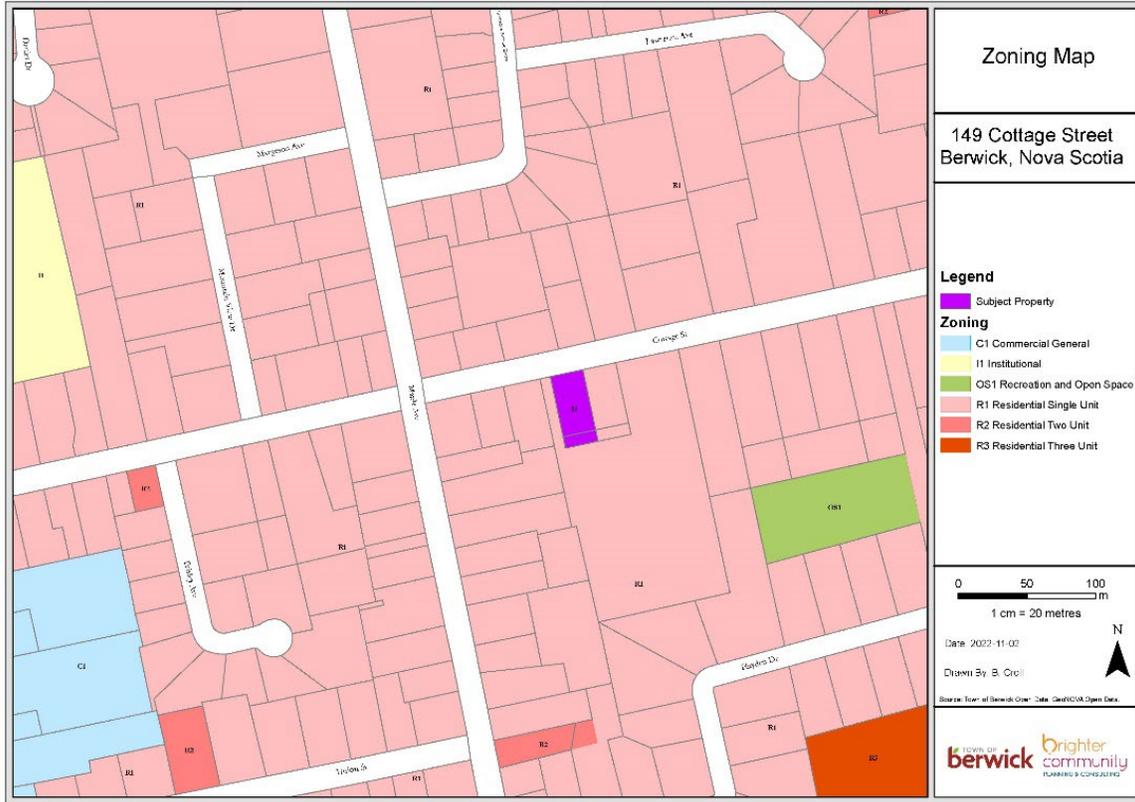
Policy R10 enables Council to consider new residential dwellings containing two units through a rezoning process. In addition to the implementation policies in IM7, the only requirement is that the minimum lot frontage and area requirements for the R2 zone are met. The minimum lot requirement in the R2 zone is 80 feet of frontage and the Subject Property has a frontage of 80 feet. The minimum lot area requirement of the R2 zone is 12,000 ft<sup>2</sup> and the Subject Property, once consolidated, has a total area of 14,000 ft<sup>2</sup>. The minimum requirements for the R2 are met.

### 2.1: Implementation Policies

The implementation policies were reviewed, and no issues arose. See Appendix A for a summary of the policies.

### 2.2: Provincial Statement of Interest

The Provincial Statement of Interest on housing was reviewed and this redesignation and rezoning is consistent with the PSI.



### Part 3: Public Participation Comments

PAC held a public participation meeting on February 7<sup>th</sup> where four people provided comments. The comments can be summarized as follows:

Concern or comment	Developer Response	Staff response
Concern about the disrepair of the building	The building has been vacant for several years and once he understands what he is able to do with the building, the site will be improved.	The Town does not have an Unsightly premises bylaw and there is no breach of any Town regulation.
Who is the target market for the units?	No specific target market.	Planning documents do not address who potential occupants of units may be or the tenure (rental or homeownership)
Does the applicant own other buildings?	According to the applicant, they do own other buildings in the Port Williams area.	This issue is not relevant to a planning application.
Question about easement	N/A	Staff understand that the public was asking about the road frontage part of a Provincially owned parcel of land. This is not an easement. This planning application does not apply to that parcel of land

### Part 4: Discussion

The Subject Property is in a primarily single unit dwelling area. The conversion of the institutional building into a duplex is compatible with the neighbourhood uses and aesthetics. By redesignating and rezoning the property to Residential (R-2), it will allow the applicant to convert the building “as-of-right” to a duplex and avoid having to go through a development agreement process. Development Agreements pose an administrative burden and unless they are required for a specific reason, it is generally better to allow for development as-of-right.

Although the MPS is silent on criteria for rezonings to R2 within the Residential designation except for minimum lot requirements and frontage, minimal land use conflicts are expected from this small increase in density. From a municipal perspective, maximizing the use of existing municipal infrastructure such as streets and underground pipes is a positive. New development that does not entail the municipality assuming new streets and services is a benefit.

Neighbours within a 100-meter radius from the property were notified for a Public Participation Meeting scheduled for February 7<sup>th</sup>, 2023, at the Town of Berwick Town Hall.

## Part 5: Recommendation

After a review of the applicable policies, the specifics of the site, and the requirements of the applicant, staff are recommending the following motion for PAC's consideration:

That PAC recommends to Council that 149 Cottage Street (PID 55241822, PID 55549125, and PID 55288567) be redesignated from Institutional to Residential and rezoned from I1 to R2, and that the application be forwarded to a public hearing.

## Appendix A- Policy Summary

Policy R1. It shall be the intention of Council to create a Residential Generalized Future Land Use Designation on the Generalized Future Land Use Map and encourage the development, maintenance and enhancement of a wide variety of residential uses and related compatible uses within this Designation.	
Policy R10. It shall be the intention of Council to consider the development of new residential dwellings containing two (2) units, or the conversion of existing single unit dwellings within the Residential Designation by amendment to the Land Use By-Law. In addition to the criteria contained in Policy IM7, Council shall require that the lot meet the minimum lot of frontage and area requirements for the applicable zone.	
(a) Minimum lot of frontage is 80 feet	Sufficient frontage.
(b) Minimum lot area is 12,000 ft <sup>2</sup>	Sufficient lot area.
In considering amendments to the Land Use By-law and/or the entering into a Development Agreement, in addition to the criteria set out in various policies of this Strategy, Council shall consider:	
(a) That the proposal is in conformance with the intents of this Strategy and with the requirements of all other Town By-laws and regulations:	Proposal is generally consistent with the Municipal Planning Strategy.
(b) That the proposal is not premature or inappropriate by reasons of:	
(1) The financial capability of the Town to absorb any costs relating to the development	No known impact. The end use will be a financial benefit to the Town, increase density on existing infrastructure and contribute to the tax base without increase infrastructure costs.
(2) The adequacy of sewer and ground water to support the proposed density of development;	The property can connect to municipal sewer and storm water is managed through a ditch system. Water will be provided by onsite well.
(3) The adequacy and proximity of school, recreation, and other community facilities;	No concerns.
(4) The adequacy of road networks adjacent to, or leading to the development;	No concerns.
(5) The potential for the contamination of watercourses or the creation of erosion or sedimentation	No known impact.
(6) The potential for damage to or destruction of historical buildings and site;	N/A
(c) That controls are contained in a Land Use By-law or a Development Agreement so as to reduce conflict between the development and any other adjacent or nearby land use by reason of:	

(1) Type of use;	Upon rezoning, the proposed use of one duplex, totalling 2 units, will be permitted.
(2) Emissions including air and water pollutants and noise	Regulated by LUB.
(3) Height, bulk and lot coverage of proposed building	Regulated by LUB.
(4) Traffic generation, access to and egress from the site, and parking;	Regulated by LUB.
(5) Open storage	Regulated by LUB.
(6) signs	Regulated by LUB.
(7) similar matters of planning concern;	Regulated by LUB.
(d) The suitability and development costs of the proposed site in terms of steepness of grades, soil and geological conditions, marshes, swamps, or bogs and proximity of highway ramps, railway rights-of-way and other nuisance factors;	No impact.
(e) That provision is made for buffering, landscaping, screening and access control to reduce potential incompatibility with adjacent land uses and traffic;	Regulated by LUB.
(f) That the development is located so as not obstruct any natural drainage channels or watercourses	N/A

## Appendix B – R2 Zone Requirements

### 6.3. Residential Two Unit (R2) Zone

#### 6.3.1 R2 Uses Permitted

No development permit shall be issued in a Residential Two Unit (R2) Zone except for one or more of the following uses:

- All Residential Single Unit (R1) Uses subject to R1 Zone Requirements
- Semi-detached Dwelling
- Duplex Dwelling
- Converted Dwelling to a maximum of two (2) Units

#### 6.3.2 General Lot Requirements

In a Residential Two Unit (R-2) Zone, no development permit shall be issued except in conformity with the following requirements:

	<u>Duplex</u>	<u>Converted Dwelling or Semi-detached Dwelling Per Unit</u>
Minimum Lot Area	1114 sq. meters (12,000 sq. ft.)	557 sq. meters (6,000 sq. ft.)
Minimum Lot Frontage	24.38 meters (80 ft.)	12.19 meters (40 ft.)
Minimum Front Yard	7.62 meters (25 ft.)	7.62 meters (25 ft.)
Minimum Rear Yard	7.62 meters (25 ft.)	7.62 meters (25 ft.)
Minimum Side Yard		
i) one side	3.65 meters (12 ft.)	3.65 meters (12 ft.)
ii) other side	3.65 meters (12 ft.)	3.65 meters (12 ft.)
iii) common lot line		0
Maximum Height of Main Building	10.66 meters (35 ft.)	10.66 meters (35 ft.)

### 6.3.3 Special Requirements: Converted Dwellings

In addition to all other requirements, the following special provisions shall apply to converted dwellings in a Residential Two Unit (R2) Zone:

- (a) Additions - No addition or alteration may be undertaken which changes the roof line or increases the height (except for the addition of dormers), or extends into the front or side yard of the lot (except for structures necessary for public safety purposes such as fire escapes).
- (b) Parking - Parking shall be provided only in the side or rear yard of the lot.

### 6.3.4 Side Yard, Attached Garage

An attached garage shall share common wall(s) with the main structure and shall not be considered attached by means of a breezeway, overhang or the extension of a roofline. The minimum side yard of the side where an attached garage of a permitted dwelling is located shall be as follows:

- 1 storey building: 1.22 meters (4 ft.)
- 2 or more storeys: 1.82 meters (6 ft.)